

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

IN RE:	§	
MARIE BOWSER FOR HOUSTON	§	CASE NO. 15-10899
OWENS SR. ESTATE	§	CHAPTER 7
DEBTOR	§	

**MOTION FOR RELIEF FROM STAY AGAINST PROPERTY AS TO
4703 OAK CLIFF DRIVE, AUSTIN, TEXAS 78721**

THIS PLEADING REQUESTS RELIEF THAT MAY BE ADVERSE TO YOUR INTERESTS.

IF NO TIMELY RESPONSE IS FILED WITHIN FOURTEEN (14) DAYS FROM THE DATE OF SERVICE, THE RELIEF REQUESTED HEREIN MAY BE GRANTED WITHOUT A HEARING BEING HELD.

A TIMELY FILED RESPONSE IS NECESSARY FOR A HEARING TO BE HELD.

COMES NOW, NATIONSTAR MORTGAGE LLC D/B/A CHAMPION MORTGAGE COMPANY, ("Movant") and would respectfully show the Court as follows:

1. This Court has jurisdiction over this contested matter pursuant to 28 U.S.C. §§1334 and 157(b) and 11 U.S.C. §§105 and 362. Marie Bowser for Houston Owens Sr. Estate ("Debtor") filed a Voluntary Petition for Relief under 11 U.S.C. Chapter 7 on July 7, 2015. ("Bankruptcy Case").
2. At the time the Bankruptcy Case was filed, Debtor was indebted to Noteholder pursuant to an Adjustable Rate Note ("Note"), executed on February 27, 2009 in the original amount of \$165,000.00 with interest thereon. A true and correct copy of the Note is attached hereto as Exhibit A and incorporated herein by reference for all purposes.

3. The obligation to pay the Note is secured by an Adjustable Rate Deed of Trust ("Security Instrument"), dated February 27, 2009. The Security Instrument was duly recorded in the real property records of Travis County, Texas. A true and correct copy of the Security Instrument and all subsequent assignments are attached hereto as Exhibit B and incorporated herein by reference for all purposes. The Security Instrument grants a lien on certain real property ("Property") described as:

LOT NINE (9) BLOCK B, SECTION I, OAKLAWN, A SUBDIVISION
IN AUSTIN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP
OR PLAT THEREOF RECORDED IN BOOK 9, PAGE 166, TRAVIS
COUNTY DEED RECORDS

The Property is also known as 4703 OAK CLIFF DRIVE, AUSTIN,
TEXAS 78721.

4. Noteholder is the present owner and beneficiary of the Note and Security Instrument. Debtor is in breach of the obligations set forth in the Security Instrument. As of the filing of this pleading, the total indebtedness on the note executed by OWENS HOUSTON as of September 9, 2015 is \$108,568.47. In support of the allegations contained in this Motion, attached hereto and incorporated herein by reference for all purposes is a business records affidavit executed by a custodian of the business records for Movant.
5. Additional fees include Movant's attorney fees and costs in the amount of \$675.00 due under the terms of the Note and Security Instrument.
6. By reason of the foregoing, Movant requests the Court to terminate the stay so Movant may proceed to foreclose in accordance with its Note and Security Instrument.

7. The provision of Rule 4001(a)(3) should be waived and Movant be permitted to immediately enforce and implement any order granting relief from the automatic stay.

WHEREFORE, PREMISES CONSIDERED, Movant prays that this honorable Court enter an Order terminating the automatic stay of 11 U.S.C. §362 as to the Property, or, alternatively, enter an Order modifying the automatic stay of 11 U.S.C. §362 by requiring Debtor to adequately protect Movant's interest in the Property through the payment of timely post-petition installments and for such other and further relief to which Movant may show itself to be justly entitled, either at law or in equity.

Respectfully submitted,
MARINOSCI & BAXTER

By: /s/ Jonathan M. Williams
State Bar Number 00791932
14643 Dallas Parkway, Suite 750
Dallas, TX 75254
Telephone 972-331-2300
Facsimile 972-331-5240
Email jwilliams@mlg-defaultlaw.com
ATTORNEYS FOR Champion Mortgage,
LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for Relief from Stay of Act Against Property was served on the parties listed below, at the addresses indicated via electronic delivery or by deposit in the United States Mail, first-class postage pre-paid on October 5, 2015.

By: /s/ Jonathan M. Williams
MARINOSCI & BAXTER

DEBTOR:

Marie Bowser for Houston Owens Sr.
Estate
4703 Oak Cliff dr.
Austin, TX 78721

Houston Owens, Sr.
4703 Oak Cliff Dr.
Austin, TX 78721

TRUSTEE:

Ron Satija
P.O. Box 660208
Austin, TX 78766

DEBTOR'S ATTORNEY:

PRO SE

UNITED STATES TRUSTEE:

United States Trustee - AU12
United States Trustee
903 San Jacinto Blvd, Suite 230
Austin, TX 78701